

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA

JOSEPH WATSON,)	
)	Civil Action No. 09 - 87J
Plaintiff,)	
)	Judge Kim R. Gibson
v.)	Magistrate Judge Lisa Pupo Lenihan
)	
JEFFREY BEARD, Sec. Camp Hill, PA;)	
GERALD ROZUM, Supt. Somerset, PA;)	
GIBSON, Deputy Superintendent; PAUL)	
FISHER, Former Kitchen Food Service)	
Manager; REAM, Kitchen Supervisor;)	
PASUKA, Captain; CLASS, Major;)	
SNYDER, Security Lieutenant; DUPONT,)	
Hearing Examiner; JECHONECH;)	
VERNEAU, Kitchen cook; PRATTS,)	
Correction Security Officer; TROY,)	
Correction Security Officer)	
)	
Defendants.		

ORDER

The above captioned case was initiated on April 3, 2009, by the filing of a Motion to Proceed In Forma Pauperis (doc. no. 1) accompanied by a Complaint. The case was referred to Magistrate Judge Lisa Pupo Lenihan for pretrial proceedings in accordance with the Magistrates Act, 28 U.S.C. § 636(b)(1), and Rule 72.C.2 of the Local Rules.

The Magistrate Judge's Report and Recommendation (doc. no. 49), filed on April 12, 2010, recommended that the Motion to Dismiss filed by the Commonwealth Defendants (doc. no. 25) be granted and that the Motion to Dismiss filed by Defendant Fisher (doc. no. 45) be granted. Plaintiff filed Objections on April 30, 2010 (doc. no. 54). After a *de novo* review of the pleadings and documents in the case, together with the report and recommendation and the objections thereto, the following order is entered:

AND NOW, this 27th day of May, 2010;

IT IS HEREBY ORDERED that the Motion to Dismiss filed by the Commonwealth Defendants (doc. no. 25) is **GRANTED** and the Motion to Dismiss filed by Defendant Fisher (doc. no. 45) is **GRANTED**.

IT IS FURTHER ORDERED that the Report and Recommendation (doc. no. 49) of Magistrate Judge Lenihan, dated April 12, 2010, is adopted as the Opinion of the Court.

IT IS FURTHER ORDERED that the Clerk of Court mark this case **CLOSED**. Pursuant to Rule 4(a)(1) of the Federal Rules of Appellate Procedure, Plaintiff has thirty (30) days to file a notice of appeal as provided by Rule 3 of the Federal Rules of Appellate Procedure if he so desires.

By the Court:

A handwritten signature in black ink, appearing to read "Kim R. Gibson", written over a horizontal line.

Kim R. Gibson
United States District Judge

cc: Joseph Watson
EF - 9383
Muskegon Correctional Facility
2400 S. Sheridan Drive
Muskegon, MI 49442-6298